

1 D. EDWARD HAYS, #162507
ehays@marshackhays.com
2 LAILA MASUD, #311731
lmasud@marshackhays.com
3 BRADFORD N. BARNHARDT, #328705
bbarnhardt@marshackhays.com
4 MARSHACK HAYS LLP
5 870 Roosevelt
Irvine, CA 92620
6 Telephone: (949) 333-7777
7 Facsimile: (949) 333-7778

8 Attorneys for Movant and Creditor,
HOUSER BROS. CO. dba RANCHO DEL
9 REY MOBILE HOME ESTATES

10 UNITED STATES BANKRUPTCY COURT
11
12 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

13 In re

14 JAMIE LYNN GALLIAN,

15 Debtor.

Case No. 8:21-bk-11710-ES

Chapter 7

DECLARATION OF VIVIENNE J. ALSTON
RE: MOTION OBJECTING TO DEBTOR'S
CLAIMED HOMESTEAD EXEMPTION

Date: July 21, 2022

Time: 10:30 a.m.

Ctrm: 5A¹

Location: 411 W. Fourth Street, Santa Ana, CA
92701

21 I, VIVIENNE J. ALSTON, say and declare as follows:

- 22 1. I am an individual over 18 years of age and competent to make this Declaration.
23 2. If called upon to do so, I could and would competently testify as to the facts set
24 forth in this Declaration.
25 3. The facts set forth below are true of my personal knowledge.

26
27 ¹ To continue to aid in the mitigation of the spread of the COVID-19 virus and in light of the response of the Bar to
28 continue virtual appearances, Judge Smith will continue to hold the majority of her hearings remotely using ZoomGov
audio and video. However, beginning September 1, 2021, Judge Smith will allow the option for in-person hearings
and/or hybrid proceedings for trial and evidentiary hearings only.

1 4. I am an attorney at law duly admitted to practice before this Court and all courts
2 of the State of California.

3 5. I am a partner in the law firm of Alston, Alston & Diebold.

4 6. I make this Declaration in support of the Reply in Support of Motion Objecting to
5 Debtor's Claimed Homestead Exemption ("Reply").

6 7. Capitalized terms not defined in this Declaration have the meaning ascribed to
7 them in the Reply.

8 8. My firm serves as state-court counsel to Houser Bros. Co., dba Rancho Del Rey
9 Mobile Home Estates in the OCSC Action.

10 9. In the Opposition, Debtor argues that she entered into a contract with me "on or
11 about August 7 or 8, 2019, whereby Creditor agreed to dismiss her Unlawful Detainer Case 30-
12 2019-01041423, against Houser Bros for advancing their 'Self Help' against debtor; Gallian
13 would dismiss her Wrongful Eviction Case against Houser Bros Co."

14 10. I deny that I entered into such a contract with Debtor.

15
16 I declare under penalty of perjury that the foregoing is true and correct. Executed on
17 July 6, 2022.

18
19 
20 VIVIENNE ALSTON

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **DECLARATION OF VIVienne J. ALSTON RE: MOTION OBJECTING TO DEBTOR'S CLAIMED HOMESTEAD EXEMPTION** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **July 7, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:** On _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **July 7, 2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

PURSUANT TO THE COURTROOM POLICIES AND PROCEDURES OF THE HONORABLE ERITHE A. SMITH, COURTROOM 5A, §VIII. JUDGES' OR COURTESY COPIES, EXCEPT FOR DOCUMENTS 200 PAGES OR OVER, INCLUDING EXHIBITS, JUDGE SMITH **DOES NOT** REQUIRE JUDGES' COPIES.

DEBTOR – VIA OVERNIGHT DELIVERY

JAMIE LYNN GALLIAN
16222 MONTEREY LN UNIT 376
HUNTINGTON BEACH, CA 92649

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 7, 2022
Date

Layla Buchanan
Printed Name

/s/ Layla Buchanan
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** CONTINUED:

- **ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR):** Aaron E DE Leest adeleest@DanningGill.com, danninggill@gmail.com; adeleest@ecf.inforuptcy.com
- **ATTORNEY FOR CREDITOR and PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS ASSOCIATION:** Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com
- **TRUSTEE JEFFREY I GOLDEN (TR):** Jeffrey I Golden (TR lwerner@wgllp.com, jig@trustesolutions.net; kadele@wgllp.com
- **ATTORNEY FOR PLAINTIFF HOUSER BROS. CO.:** D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR CREDITOR and PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS ASSOCIATION:** Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
- **ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR):** Eric P Israel eisrael@DanningGill.com, danninggill@gmail.com; eisrael@ecf.inforuptcy.com
- **ATTORNEY FOR PLAINTIFF HOUSER BROS. CO.:** Laila Masud lmasud@marshackhays.com, lmasud@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR DEFENDANT RANDALL L NICKEL:** Mark A Mellor mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com
- **INTERESTED PARTY COURTESY NEF:** Valerie Smith claims@recoverycorp.com
- **U.S. TRUSTEE:** United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov